

CHAPTER 245
ENCROACHMENTS, PROJECTIONS AND
SPECIAL PRIVILEGES

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Structures

245-1. General Regulations. 1. Except as otherwise regulated in this chapter, no part of any building, structure, addition, alteration or construction hereafter erected shall project beyond a street line.

2. Structures, appendages or architectural ornamentations projecting beyond a street line as regulated and permitted by this chapter shall be constructed of materials as required in ch. 251 and as further regulated herein. The projection of any structure, appendage or ornamentation shall be the distance measured horizontally from the street line to the outermost point of such structure, appendage or ornamentation.

3. No person shall erect, place or store any material, equipment, shed, roof, fence or temporary walk, guard, device or any other structure on a public thoroughfare, nor shall any person move any building or structure onto, across or over any public thoroughfare without first obtaining a permit therefor from the commissioner of public works.

4. Permits and permit fees for permissible projections shall be as regulated in s. 200-33.

245-2. Structural Supports. All projections permitted in this chapter, except footings and their supports, shall be so constructed that their removal may be made without causing the building or structure to become structurally unsafe.

245-3. Maintenance and Removal. 1. All construction for which a permit is hereafter granted pursuant to the regulations of this chapter by the commissioner of city development for projections beyond the street line, or by the commissioner of public works permitting the occupancy or use of public property or public thoroughfares, and any special privilege granted by the common council pursuant to s. 245-12, and all other existing projections or encroachments shall be maintained in good state of repair and in a safe condition.

2. Such construction shall be removed and the permit revoked whenever public necessity or public safety so requires when ordered by the commissioner of neighborhood services, the commissioner of public works, by resolution of the common council or by authorities of the state of Wisconsin.

3. No change or enlargement shall be made to any such existing projection or encroachment except in conformity with the regulations of this chapter.

245-4. Permissible Projections and Encroachments. Projections and encroachments beyond the street line other than those listed in this section may be permitted by special privilege granted by the common council pursuant to s. 245-12. Under the conditions prescribed in this chapter and within the limitations regulated herein, the following projections and encroachments beyond a street line may be permitted:

1. Main cornices or roof eaves may project not more than 3 feet, provided such main cornices or roof eaves are not less than 14 feet above the adjacent established grade.

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2. Cornices of show windows and porches and false mansard type structures may project not more than 15 inches when not less than 10 feet above the adjacent established grade.

3. Belt courses, lintels, sills, architraves, pediments over windows and similar architectural projections may project not more than 4 inches when less than 14 feet above the adjacent established grade, and not more than 10 inches when 14 feet or more above the adjacent established grade.

4. Pediments, nonstructural columns or pilasters, and similar architectural projections, including bases and capitals, located at principal entry doors of a building or structure may project not more than 8 inches.

5. Rustications (masonry projections) and quoins may project not more than 4 inches.

6. Base courses may project not more than one inch, provided that such base courses do not extend more than 30 inches above the adjacent established grade.

7. Footings of walls and their supports at street lines may project not more than one foot when the tops of such footings are not less than 4 feet below the adjacent established grade. Projections beyond the one foot line shall be subject to the approval of the commissioner of public works and the commissioner of city development.

8. Doors when open may project not more than 12 inches.

9. Fire escapes and balconies to smokeproof stair towers or horizontal exits may project not more than 7 feet. All other balconies may project not more than 4 feet. No part of such fire escapes, including balanced stairs or balconies, shall be less than 10 feet above the adjacent established street walk grade and 14 feet above alley grade.

10. Oriel or bay windows may project not more than 24 inches, provided that the lowest portion of such windows is at least 10 feet above the adjacent established grade. No oriel or bay window that projects into public right-of-way shall exceed 10 feet in width. Oriel and bay windows shall not be permitted to project into a public thoroughfare which is less than 30 feet in width.

11. Areaways may project not more than 30 inches, provided that every such areaway is protected at the adjacent established grade by an approved cover or grating as regulated in s. 245-5-3.

12. Exterior hose connections for fire protection equipment may project not more than 8 inches in an approved location, and shall be at least one foot 6 inches and not more than 3 feet above the adjacent established grade.

13. Street walk basements (sidewalk vaults) when constructed and located as regulated in s. 245-5.

14. Movable awnings when constructed and located as regulated in s. 245-6.

14.5. Stationary fabric awnings when constructed and located as regulated in s. 245-6.5.

15. Fixed awnings when constructed and located as regulated in s. 245-7.

16. Canopies when constructed and located as regulated in s. 245-8.

17. Hoods when constructed and located as regulated in s. 245-9.

18. Marquees when constructed and located as regulated in s. 245-10.

19. Exterior thin veneers when applied as regulated in chs. Comm 61 and 62, Wis. Adm. Code, may encroach a maximum of 1-3/4 inches.

20. Temporary encroachments and use of public thoroughfares during erection, construction, enlargement, alteration, repair, renovation, moving, removing, or demolition of buildings and structures when in compliance with the regulations of ch. 228 and s. 245-11.

21. Signs or advertising devices when constructed as regulated in ch. 244.

22. Roof gutters and conductors may not project into a public street, but may project not more than 8 inches into a public alley.

23. Approved appliances and devices used in connection with equipment not otherwise regulated herein may project not more than one foot in approved locations, when the lowest portion thereof is not less than 10 feet above the adjacent established grade.

24. The cutting of street curbs, the installation of driveways and any construction therewith may be permitted by the commissioner of public works when in conformity with rules and regulations of the commissioner of public works.

25. Electrical or gas lighting fixtures attached to the exterior walls of buildings or structures may project not more than one foot in approved locations when the lowest portion

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of such fixture is not less than 7 feet and not more than 10 feet above the adjacent established grade. Such fixtures, when more than 10 feet above the grade, may extend 5 feet beyond the face of the wall, but not closer than 2 feet to the curb line. Such fixtures shall not project into an alley.

26. Sewer sampling manholes, catch basins, water meter pits, sprinkler pits and similar underground structures when in compliance with s. 245-5.

27. Flagpoles attached to the exterior walls of buildings or structures, for the flying of federal, state, county or municipal flags only, may project a distance not closer than 3 feet from the curb line. The flag and the pole shall have at least 8 feet clearance above the street walk.

28. Sidewalk area dining facilities when improved and operated as regulated in s. 115-32.6.

29. Fixed awnings in the Historic Third Ward which are allowed to project beyond the street line pursuant to s. 245-7-9.

245-4.5. Placement of Fences in Street Right-of-Way Abutting Residential Property and Public Sidewalk. **1. DEFINITION.** A fence as regulated herein shall mean a delimiting structure constructed of masonry, wood, and/or metal located in the area between the street line and the edge of the paved public sidewalk.

2. GENERAL REGULATIONS. a. All fences erected shall comply with the requirements set forth in s. 239-2-3 to 6 and ch. 295 relative to height materials and structural design, s. 275-32-8 relative to maintenance, and s. 200-33 relative to permit fees.

b. Plans shall be submitted to the city engineer for review and subsequently to the commissioner of public works for approval and issuance of a permit prior to applying for a building permit.

3. PROJECTION. The maximum encroachment of a fence shall extend to the edge of the paved public sidewalk.

4. LIABILITY. The owner or resident of property involving the placement of a fence shall file with the commissioner of city development a certificate of insurance or a rider on his or her home owner's policy indicating that he or she holds a public liability policy in

the sum of at least \$25,000 covering bodily injury to any one person, and \$50,000 covering bodily injury to more than one person in any one accident, and \$10,000 covering property damage to any one owner on the area or areas included within the fence permit, and naming the city of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled without 30 days' notice to the commissioner of city development.

5. CONDITION OF PERMIT. The grantee agrees to alter or remove the fence, when deemed to interfere with a street maintenance or public improvement project within 30 days of the receipt of written notice from the commissioner of public works, and to restore the public way to the satisfaction of the commissioner of public works. Should the owner fail to carry out the required work, the commissioner of public works may cause removal of the fence, and shall certify the costs thereof in the proper manner to have them levied as special charges against such property, and the proper officials of the city are authorized and directed to enter such charges on the tax rolls.

245-4.6. Construction of Retainment Devices in Street Right-of-Way Abutting Residential Property. **1. DEFINITION.** A retainment device as regulated herein shall mean a system composed of treated wood, concrete block, stone or other material, approved by the commissioner of public works and commissioner of city development, placed in the public way for the purpose of landscaping, aesthetics or minor soil retainment.

2. GENERAL REGULATIONS. All retainment devices as herein regulated shall be constructed within the following guidelines:

a. The maximum encroachment of the retainment device may exceed no closer than 6 inches to the edge of the public paved sidewalk, or, in those instances where no paved sidewalk exists, no closer than 6 inches to the edge of the future walk.

b. The maximum height of the retainment device above grade shall be 36 inches.

c. The maximum thickness of the retainment device within a street right-of-way shall be 24 inches.

d. The maximum depth of the retainment device below grade shall be 36 inches. The device shall not employ the use of footings.

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3. APPLICATION. The owner of a property under consideration for the employment of a retainment device shall submit plans to the city engineer for review, approval and preparation of a recordable agreement to be executed by the owner and the proper city officials. The grantee shall subsequently submit plans and obtain permits from the commissioner of public works and the commissioner of city development for the installation.

4. CONDITIONS OF RECORDED AGREEMENT AND PERMIT. a. The grantee shall agree to alter or remove the retainment device, when deemed to interfere with a street maintenance or public improvement project, within 30 days of the receipt of written notice from the commissioner of public works, and to restore the public way to the satisfaction of the commissioner of public works. The grantee agrees to maintain said device to the satisfaction of the commissioner of public works and the commissioner of neighborhood services.

b. Should the owner fail to carry out the required work, the commissioner of public works may cause removal of the retainment device and shall certify the costs thereof in the proper manner to have them levied as special charges against such property, and the proper officials of the city of Milwaukee shall enter such charges on the tax roles.

5. LIABILITY. Owners of property involving the placement of a retainment device shall file with the city clerk a certificate of insurance or rider on the homeowners' policy indicating that the grantee holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person, and \$50,000 covering bodily injury to more than one person in any one accident, and \$10,000 covering property damage to any one owner on the area or areas included within the recorded agreement and permits, and naming the city of Milwaukee as the insured. The insurance policy shall provide that it shall not be cancelled until after at least 30 days' notice in writing to the city clerk.

6. SPECIAL PROVISIONS. All retainment devices as herein regulated, in existence at the time of the passage of this section **[initial effective date of the section - January 8, 1980]**, which are located closer than 6 inches to the edge of the paved walk, shall be allowed

to remain in their existing location until such time that removal or alteration of the device is ordered, pursuant to sub. 4, or when rebuilding the device becomes necessary due to failure.

245-5. Street Walk Basements. 1. GENERAL REGULATIONS. a. Street-walk basements entirely below a street walk and adjoining a building or structure may be constructed, maintained, occupied and used in connection with such building or structure for any purposes not inconsistent with this code, other laws or ordinances, or rules regulating the construction, maintenance, occupancy and use of such basements, on condition that the right to maintain, occupy and use such basements may be revoked by the city at any time. When an order is issued for the removal of such basement, the owner of the building or structure shall execute all construction work and assume all costs and expenses attendant therewith. Such street-walk basements shall not interfere with any public work or improvement, and the city in granting a permit to construct such basements, reserves the right at any time to construct under or within such basements municipally owned utilities for the public service.

b. Boilers, engines or machinery using steam, gas or explosive mixtures, or tanks containing volatile flammable liquid, shall not be located in such basements or under any public thoroughfare.

2. DESIGN. a. Street-walk basements may extend beyond the street line for a distance as approved by the commissioner of public works, but not beyond the curb line. Such basements shall be of approved construction and shall be provided with a roof or top of noncombustible material, capable of carrying a live load of 250 pounds per square foot. The top surface of the street walk shall be at a grade as established by the city and shall be constructed of concrete or other approved material with a nonslippery surface. No glass in such street walk surface shall be permitted.

b. The walls of such basements shall be constructed of solid masonry units, plain or reinforced concrete, and shall be of a strength and thickness to resist safely lateral pressure from the adjacent earth, and to support vertical loads. Footings for such walls shall be designed and constructed to maintain a safe load on the soil and shall not project beyond the curb line.

3. OPENINGS IN STREET WALKS.

a. Openings in street walks shall be permitted when protected with approved nonslippery metal covers or gratings, as herein regulated, flush with the top surface of the street walk, designed to support a live load of 250 pounds per square foot. Such covers or gratings shall be maintained normally closed and secured in place, and when open shall be equipped with approved guards to prevent accidents. Such openings, when used for ventilating purposes and located in street-walk basements, shall be protected with gratings or covers having openings therein not more than 3/4 inch in width, and shall be equipped with approved pans or screens with mesh openings therein not in excess of 1/4 inch. Electric transformer vaults need not be equipped with approved pans or screens with mesh openings.

b. Except as otherwise required or approved by the commissioner of public works, the location and size of openings in street walks shall be as follows:

b-1. For existing elevators and for conveyors or chutes, openings shall be located with not more than 2 feet of space from the face of the curb. The length of such openings on the side parallel to the curb shall not exceed 8 feet. The width of such openings shall not exceed 1/3 the distance from the face of the curb to the street line, but not more than 6 feet in any case. New elevator installations shall not pierce a sidewalk or be located in an area used by people or vehicles as a place of travel.

b-2. For the delivery of coal or other materials, openings shall be located with not more than 2 feet of space from the face of the curb, and shall not exceed 8 square feet in area.

b-3. For ventilation or other approved purposes, openings shall be located with not more than 2 feet of space from the face of the curb on the street line and shall not exceed 8 square feet in area.

c. If upon inspection the department finds any cover or grating which appears defective or unsafe for any reason whatsoever, the commissioner may order that a critical examination be performed by a registered architect or registered structural engineer employed by the owner or the agent. The registered architect or registered structural engineer shall submit a written report showing

the structural condition of the cover or grating. Two copies of the report shall in turn be submitted to the commissioner. One copy of the report shall, if satisfactory to the commissioner, be returned to the owner or agent bearing a stamp of approval signed by the commissioner. All defects noted on the written report submitted by the registered architect or registered structural engineer shall be corrected by the owner within a time period mandated by the commissioner. A written report showing that all defects noted in the prior report have been corrected shall be submitted in duplicate to the commissioner by a registered architect or registered structural engineer. One copy of the report shall, if satisfactory, be returned to the owner or agent bearing a stamp that the correction report has been placed on file.

4. APPROVAL. a. No permit shall be issued by the commissioner of city development for the construction of a street-walk basement unless such basement is first approved by the commissioner of public works and the commissioner of neighborhood services.

b. The cost of protecting, altering or changing the location of any city-owned utilities to permit the construction of a street-walk basement shall be paid by the owner of the real estate abutting such basement.

5. REMOVAL. All street-walk basements used in connection with a building or structure shall be removed whenever such building or structure is removed or razed. Removal of such basements shall be construed to mean the removal of all work executed in the construction of the basement to the extent required by the commissioner of public works. After the street-walk basement is removed, the area shall be filled to grade and the street curb, street walk, pavement and other public improvements shall be restored. The type and placement of the fill and the construction of the curb, walk, pavement and other improvements beyond the street lot line shall be in accordance with the specifications and regulations of the department of public works. The owner of the premises affected shall be responsible for the removal of such basement (vault) and for the restoration of public improvements as herein regulated, and shall assume all costs and expenses attendant therewith.

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245-6. Movable Awnings. 1. REGULATIONS.

A movable awning as herein regulated shall mean a tractable rooflike shelter attached to the exterior wall of a building or structure in an approved manner, and so constructed and erected to permit being rolled, collapsed or folded back to a position against such building or structure.

2. GENERAL REGULATIONS. All movable awnings erected on any building or structure and projecting beyond a street line shall comply with the regulations of this section. No movable awnings shall be permitted to project into a public thoroughfare which is less than 30 feet in width unless such awning is more than 16 feet above the grade of such thoroughfare.

3. LENGTH. Movable awnings shall not exceed a length of 20 feet between supports thereof, measured parallel to the face of the building or structure to which attached.

4. PROJECTION. The projection of a movable awning from the street line shall not exceed 1/2 the distance from street line to the curb line, but not more than 6 feet in any case. Where a sidewalk is less than 12 feet in width, such awning may project 6 feet, but not closer than 2 feet to the curb line. Awnings shall not project more than 4 feet into a public thoroughfare which is less than 30 feet in width.

5. CLEARANCE. There shall be not less than 7 feet 6 inches in the clear between any point of the frame of a movable awning and the sidewalk grade directly below. No part of an awning cover, including any fringe, apron, skirt, valance or drop shall be less than 6 feet 9 inches from the lowest point to the sidewalk grade.

6. CONSTRUCTION AND DESIGN. Movable awnings shall be supported entirely by the building or structure to which they are attached and shall have a frame designed to resist dead and wind loads. The covering shall be of canvas, cloth or other approved material.

7. SIGNS ADVERTISING DEVICES. No sign or advertising device shall be hung from, attached to, printed or painted on a movable awning unless the sign complies with the awning sign regulations of ch. 295.

8. IDENTIFICATION. Every movable awning projecting into a public thoroughfare shall bear the name and address of the person who erected it on a tag or stencil, not exceeding 24 square inches in size.

9. SUPPORTING STRUCTURE. Approved supporting structure shall be provided for the support and fastening of awnings.

245-6.5. Stationary Fabric Awning.

1. DEFINITION. "Stationary fabric awning" means an awning of stationary design with a pipe or steel frame either welded or connected with standard awning fittings covered with fabric and attached to the exterior wall of a building or structure in an approved manner.

2. GENERAL REGULATIONS. All stationary fabric awnings erected on any building or structure and projecting beyond a street line shall comply with the regulations of this section. No stationary fabric awnings shall be permitted to project into a public thoroughfare which is less than 30 feet in width unless such awning is more than 16 feet above the grade of such thoroughfare.

3. LENGTH. Stationary fabric awnings shall not exceed a length of 20 feet between supports thereof, measured parallel to the face of the building or structure to which they are attached.

4. PROJECTION. The projection of a stationary fabric awning from the street line shall not exceed 1/2 the distance from street line to the curb line, but not more than 6 feet in any case, but not closer than 2 feet of the curb line. Awnings shall not project more than 4 feet into a public thoroughfare which is less than 30 feet in width.

5. CLEARANCE. There shall be not less than 7 feet 6 inches in the clear between any point of the frame of a stationary fabric awning and the sidewalk grade directly below. No part of any awning cover, including the fringe, apron, skirt, valance or drop shall be less than 6 feet 9 inches from the lowest point to the sidewalk grade.

6. CONSTRUCTION AND DESIGN. Stationary fabric awnings shall be supported entirely by the building or structure to which they are attached and shall be designed to resist dead weight and wind loads. The covering shall be of canvas, cloth or other

approved pliable material and shall be effectively flameproofed. The owner shall furnish a certificate or a test report by a recognized testing engineer or laboratory as evidence that such materials have the required flame resistance.

7. SIGNS AND ADVERTISING DEVICES. No sign or advertising device shall be hung from, attached to, printed or painted on a stationary fabric awning unless the sign complies with the awning sign regulations of ch. 295.

8. IDENTIFICATION. Every stationary fabric awning projecting into a public thoroughfare shall bear the name and address of the person who erected it on a tab or stencil, not exceeding 24 square inches in size.

9. SUPPORTING STRUCTURE. Approved supporting structure shall be provided for the support and fastening of awnings.

245-7. Fixed Awnings. 1. DEFINITION. A fixed awning as herein regulated shall mean a rigid rooflike shelter attached to the exterior of a building or structure in an approved manner, sloping and draining away from such wall.

2. GENERAL REGULATIONS. Fixed awnings, when projecting beyond the street line, shall not be erected on any building or structure above the first story and shall comply with the regulations of this section. No such fixed awning shall project into a public thoroughfare which is less than 30 feet in width.

3. LENGTH. There shall be no limitation on the length of a fixed awning.

4. PROJECTION. The projection of a fixed awning from the street line shall not exceed 1/2 the distance from such street line to the curb line, but not more than 6 feet in any case. Where a sidewalk is less than 12 feet in width, such awnings may project 6 feet, but not closer than 2 feet to the curb line.

5. CLEARANCE. There shall be not less than 7 feet 6 inches in the clear between any point of a fixed awning and the sidewalk grade directly below.

6. CONSTRUCTION AND DESIGN.

a. Fixed awnings shall be constructed of noncombustible, rust-resistive materials, except that glass or similar fragile material shall not be used in any part of such awnings.

b. Fixed awnings shall be supported entirely by the building or structure to which they are attached.

c. Fixed awnings shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction.

d. The roof of fixed awnings shall slope from the building or structure and such slope shall not exceed an angle of 45°E, and be not less than 30°E from the horizontal.

e. Fixed awnings which are not constructed to permit the passage of rain or snow through open slots, slats or louvers in the roof thereof shall be provided with snow guards (ch. 252) and with gutters and conductors connected with the house sewer or drain (ch. 225).

7. SIGNS AND ADVERTISING. No sign or advertising device shall be hung from, attached to, printed or painted on a fixed awning unless the sign complies with the awning sign regulations of ch. 295.

8. EXISTING FIXED AWNINGS. All fixed awnings heretofore erected and projecting beyond the street line except fixed awnings covered under sub. 9, shall be made to conform to the regulations of this section, or they shall be removed within 30 days after the adoption of this section. **[section initially effective August 12, 1977]**

9. FIXED AWNINGS IN THE HISTORIC THIRD WARD. A fixed awning which is located in the Historic Third Ward Arts District, as defined in s. 308-71-2-e, projects beyond the street line and was in existence on the effective date of this ordinance December 16, 2003, may be maintained without a special privilege. Such awning may also be repaired, altered or replaced without a special privilege, provided the projection from the street line is equal to that of the existing awning or 20 feet, whichever is greater. Such awnings shall be constructed in accordance with sub. 6-a to c. A permit shall be required for repair, alteration or replacement of an awning, but not for maintenance of an awning. Whenever a permit is required, the owner of the building to which the awning is attached shall:

a. Become primarily liable for damages to persons or property by reason of the granting of a permit for the awning.

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b. File with the city clerk a bond of a surety company duly incorporated in the state of Wisconsin or duly licensed to do business in this state, in a sum not exceeding \$10,000, such bond to be approved by the city attorney. Individual sureties shall not be deemed in compliance with this paragraph. The owner shall also file with the city clerk a certificate of insurance indicating that the owner holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident, as well as \$10,000 covering property damage to any one owner of property located under the permitted awning, and naming the city of Milwaukee as an insured. Both the bond and the insurance policy shall provide that they shall not be cancelled until after at least 30 days' notice in writing to the city clerk.

c. Remove the awning whenever public necessity so requires. When removal is ordered by resolution adopted by the common council, the owner shall not be entitled to damages relating to such removal.

245-8. Canopies. 1. DEFINITION. A canopy as herein regulated shall mean a rigid, flat roof-like structure, other than a hood or marquee, affording shelter, attached to the exterior walls of a building or structure in an approved manner, sloping and draining toward such walls.

2. GENERAL REGULATIONS. Canopies, when constructed and erected as regulated in this section, shall be permitted to project beyond a street line at or near the ceiling level of the first floor of a building or structure. No such canopy shall project into a public thoroughfare which is less than 30 feet in width.

3. LENGTH. There shall be no limitation on the length of a canopy.

4. PROJECTION. The projection of canopies from the street line shall not exceed 1/2 the distance from such street line to the curb line, but not more than 6 feet in any case. Where the sidewalk is less than 12 feet in width, such canopies may project 6 feet, but not closer than 2 feet to the curb line.

5. CLEARANCE. There shall be not less than 10 feet in the clear between any point in a canopy and the sidewalk grade directly below.

6. CONSTRUCTION AND DESIGN.

a. Canopies shall be constructed of noncombustible materials throughout.

b. Canopies shall be supported entirely by the building or structure to which they are attached.

c. Canopies shall be designed and constructed to support safely a superimposed load of 80 pounds per square foot.

d. The roof of the canopy shall be made watertight and shall have a slope of not more than one in four. Such roofs shall slope and drain toward the building or structure and shall be provided with conductors connected with the house sewer or drain (ch. 225).

e. The vertical dimension of the side or front face of a canopy shall not exceed 15 inches.

7. SIGNS AND ADVERTISING DEVICES. No sign, ornamental illumination or advertising device shall be placed on, hung from, attached to or painted on a canopy, except as regulated in ch. 244. Recessed illumination in soffits is permitted, but in no case shall any individual glass panel exceed 576 square inches in area.

245-9. Hoods. 1. DEFINITION. A hood as herein regulated shall mean a rigid, roof-like structure, other than a marquee, affording shelter, attached to the exterior walls of a building or structure in an approved manner and erected only over an entrance to a building or structure.

2. GENERAL REGULATIONS. Hoods, when constructed and erected as regulated in this section, shall be permitted to project beyond a street line above the entry doorways of any building or structure, provided, however, that no such hood shall project into a public thoroughfare which is less than 30 feet in width.

3. LENGTH. The length of hoods, measured parallel to the face of the building or structure to which attached, shall not exceed the width of the entrance doorway or doorways by more than 4 feet.

4. PROJECTION. The projection of hoods from the street line shall not exceed 4 feet.

5. CLEARANCE. There shall not be less than 8 feet in the clear between any point of a hood and the sidewalk grade directly below.

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6. CONSTRUCTION AND DESIGN.

a. Hoods having a horizontal area of 32 square feet shall be constructed of approved noncombustible materials.

b. Hoods shall be supported entirely by the building or structure to which they are attached.

c. Hoods shall be designed to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction.

d. The roof of hoods shall be made watertight and may slope or drain toward or away from the building or structure, and shall be provided with conductors connected with the house sewer or drain (ch. 225).

e. The overall height of a hood shall not exceed 4 feet.

7. SIGNS AND ADVERTISING DEVICES. No sign, ornamental illumination or advertising device shall be placed on, hung from, attached to or painted on a hood, except as regulated in ch. 244. Illumination in soffits as regulated in s. 245-8-7 is permitted.

245-10. Marquees. 1. DEFINITION. A marquee as herein regulated shall mean a rigid, flat, roof-like structure, other than a hood, affording shelter, attached to the exterior walls of a building or structure in an approved manner and erected only over an entrance to a building or structure.

2. GENERAL REGULATIONS. Marquees, when constructed and erected as regulated in this section, shall be permitted to project beyond a street line above the entry doorways of any building or structure, provided, however, that no such marquee shall project into a public thoroughfare which is less than 30 feet in width.

3. LENGTH. The length of marquees, measured parallel to the face of the building or structure to which attached, shall not exceed the width of the entrance doorway or doorways by more than 10 feet, but in no case shall the front face of such marquee be closer than 6 feet to an alley line or 3 feet to an intersecting street line.

4. PROJECTION. The projection of marquees from the street line shall not exceed a distance beyond one foot inside the face of the street curb.

5. CLEARANCE. There shall be not less than 10 feet in the clear between any point of a marquee and the sidewalk grade directly below.

6. CONSTRUCTION AND DESIGN.

a. Marquees shall be constructed of noncombustible materials throughout.

b. Marquees shall be supported entirely by the building or structure to which they are attached.

c. Marquees shall be designed and constructed to safely support a superimposed load of 80 pounds per square foot.

d. The roof of the marquee shall be made watertight and shall have a slope of not more than one in four. Such roofs shall slope and drain toward the building or structure and shall be provided with conductors connected with the house sewer or drain.

e. The vertical dimension of the side or front face of a marquee shall not exceed 8 feet.

7. SIGNS AND ADVERTISING DEVICES. No signs or advertising devices shall be hung from or attached to the bottom of a marquee, except that other signs or advertising devices may be attached to or made a part of the sides or front face of a marquee, as regulated in ch. 244 and in accordance with the regulations for hood signs in ch. 295. Illumination by means of recessed lighting fixtures or by other approved means shall be provided in soffits or marquees. In no case shall individual glass panels of recessed light fixtures exceed 576 square inches in area.

245-11. Permits and Fees. 1. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, raze or demolish any permissible projection regulated in s. 245-4-1 to 19, 21 to 23 and 25 to 27, or any existing projections without first obtaining a permit therefor from the commissioner of city development and paying the fee as prescribed in s. 200-33.

2. Permits for the temporary occupancy and use of public thoroughfares, the cutting of street curbs, installation of driveways, the establishment of sidewalk area dining facilities and any construction therewith regulated in s. 245-4-20, 24 and 28, shall be obtained pursuant to ch. 115 and by rules, fees and regulations established by the commissioner of public works.

245-12 Encroachments, Projections And Special Privileges

245-12. Special Privileges. 1. COMPLIANCE. Privileges for an obstruction or excavation beyond the street line, other than those regulated by this chapter or by other ordinances, may be granted by the common council pursuant to s. 66.0425, Wis. Stats.

2. FIXED COSTS. Any person, firm, association or corporation desiring such special privileges shall file with the city clerk a petition in writing on a form furnished for such purpose by the city engineer or the commissioner of city development, and shall pay to the city treasurer the fee as specified in s. 81-115, special privileges, for the purpose of defraying the cost of printing and other expenses which the city may incur in the consideration of such resolution for a special privilege, as regulated in s. 301-7.

3. PROVISIONS. A special privilege shall be granted only on condition that by acceptance of such special privilege the grantee shall:

a. Become primarily liable for damages to persons or property by reason of the granting of such special privilege.

b. File with the city clerk a bond of a surety company duly incorporated in the state of Wisconsin or duly licensed to do business in this state, in such sum as the common council may require but not exceeding \$10,000, such bond to be approved by the city attorney. Individual sureties shall not be deemed in compliance with this section. The applicant shall also file with the city clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person, and \$50,000 covering bodily injury to more than one person in any one accident, and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege, and naming the city of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least 30 days' notice in writing to the city clerk. In lieu of the bond and insurance policy coverage, a public service corporation, or a cooperative association organized under ch. 185, Wis. Stats., to render or furnish telephone, gas, light, heat or power, may file with the city clerk proof of financial responsibility containing the conditions and

giving the protection required in the public liability policy. Acceptance of such proof of financial responsibility shall be subject to approval by the city attorney.

c. Pay to the city treasurer the annual fee fixed by the special privilege board consisting of the mayor, commissioner of public works, and the city attorney. The commissioner of neighborhood services shall act as secretary of such board.

d. Remove such special privilege whenever public necessity so requires, and when so ordered by resolution adopted by the common council; such grantee shall not be entitled to damages for such removal.

e. Waive the right to contest in any manner the validity of s. 66.0425, Wis. Stats., or the amount of the annual fixed fee as determined by the special privilege board.

f. Put the special privilege into use within one year after approval by the common council. Should the grantee fail to do so, the commissioner may, by resolution, seek revocation of said privilege.

4. RECOMMENDATIONS. The common council shall refer all petitions for special privileges for consideration and recommendation to the commissioners of public works and neighborhood services for consultation with the commissioner of city development when the special privilege includes the extension of use.

5. FIXED CHARGE EXEMPTIONS. The city of Milwaukee, county of Milwaukee, state of Wisconsin, and the United States of America and all political subdivisions thereof shall be exempt from the paying of the fixed charge made for the purpose of defraying the cost of printing and other expenses which the city may incur in the consideration of such resolution for a special privilege.

245-13. Roofed Sidewalks (Covered Walks).

1. DEFINITION. A roofed sidewalk or covered walk shall mean a rooflike structure, other than an awning, canopy, hood or marquee, erected over a sidewalk for the sole purpose of providing shelter for persons entering or leaving a public building.

2. GENERAL REGULATIONS. No roofed sidewalk (covered walk) shall be constructed or maintained beyond the street line without individual and specific rights and

privileges granted by the common council, pursuant to s. 245-12 and s. 66.0425, Wis. Stats. The construction and location of such roofed sidewalks (covered walks) shall be in compliance with the terms and conditions set forth in the privilege. All privileges for such structure shall also comply with the standards and policy established by the common council.

3. SIGNS AND ADVERTISING DEVICES. No sign or advertising device shall be hung from, attached to, printed or painted on any part of a roofed sidewalk (covered walk). The name, street number, or character of the business may be indicated on the vertical portion only, not to exceed 8 inches in height.

245-14. Air and Subterranean Space Lease Structures.

1. There is created a committee to be known as the special committee on air and subterranean space lease structures composed of the following officials of the city of Milwaukee or their designated representatives:

- a. Commissioner of neighborhood services.
- b. Commissioner of public works.
- c. City engineer.
- d. Planning director, department of city development.
- e. City real estate agent.

An assistant city attorney shall be assigned to such committee by the city attorney to provide legal advice for the conduct of the committee and the drafting of the necessary documents.

2. Such committee shall have for its duties the coordination of all air space and subterranean lease requests which are made to the city of Milwaukee pursuant to s. 66.0915(3) and (4), Wis. Stats.

3. The committee shall design all forms to be used, and the commissioner of city development shall distribute application forms to those requesting the same. The members of such committee shall elect one of their members chairman to preside over such committee for a term at the pleasure of the committee. Verbatim reports of the committee activities need not be kept unless the committee so decides. Completed applications shall be returned to the commissioner of city development or his representative on the committee, together with such building plans, plot plans and other data that will show the elevations, location, height and site of the

proposed structure, its relationship to adjoining buildings, and a memorandum of ownership showing the last recorded owner of all of the properties proposed to be joined by such air and/or subterranean space structure.

4. The application and additional submissions, in duplicate, shall be accompanied by the fee specified in s. 200-33, special privileges, etc., which shall be paid to the city treasurer, and the commissioner of city development shall submit the original of the application to the city clerk, who shall transmit the same to the common council for introduction at its next regularly scheduled meeting. A combination air space and subterranean lease shall require individual leases and a separate application and fee shall be required for each. Such fee shall not be returnable, nor shall such fee be waived at any time. The council, on receipt thereof, shall refer the same jointly to an appropriate committee of the common council, the city plan commission and the special committee on air and subterranean space lease structures, and shall be transmitted to such special committee for investigation.

5. The special committee may meet with the applicant from time to time, and may request additional information, maps, drawings, documents, plans and other information from the applicant relative to the request. When the special committee completes its investigation, it shall make a written report thereof, attach it to the common council file and transmit same to the city plan commission.

6. Upon receipt of the entire file from the special committee, the city plan commission shall review the same, make its recommendations thereon in writing, attach such recommendations to the file and return such file to the special committee. Upon receipt thereof, the special committee shall transmit the entire file including the suggested lease fee to the committee of the common council to which it was referred.

7. The common council committee may make further references of the file to such other boards, commissions or officers for any further information that it may deem necessary, or may return the file to the special committee with instructions or for additional information.

8. This section is intended to be procedural only and is not intended to supersede or nullify any other section of the Milwaukee code, or the building and zoning code.

**245- (HISTORY) Encroachments, Projections And
Special Privileges**

**LEGISLATIVE HISTORY
CHAPTER 245**

Abbreviations:

am = amended

cr = created

ra = renumbered and amended

rc = repealed and recreated

m = renumbered

rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 45	rc	77-558	7/26/77	8/12/77
45-4-2	am	82-1876	2/15/83	3/3/83
45-4-3	am	82-1876	2/15/83	3/3/83
45-4.5	cr	79-559	10/23/79	11/8/79
45-4.6	cr	79-1565	12/21/79	1/8/80
Ch. 245	m from ch. 45	85-1396	12/20/85	1/1/86
245-1	am	85-1396	12/20/85	1/1/86
245-3	am	85-1396	12/20/85	1/1/86
245-3-1	am	86-676	7/29/86	8/16/86
245-3-1	am	980963	12/18/98	1/1/99
245-3-2	am	980963	12/18/98	1/1/99
245-4	am	85-1396	12/20/85	1/1/86
245-4-10	am	991763	5/14/2002	10/1/2002
245-4-12	am	882295	5/16/89	6/3/89
245-4-14.5	cr	86-979	10/14/86	10/31/86
245-4-19	am	020467	8/1/2002	8/20/2002
245-4-21	am	991763	5/14/2002	10/1/2002
245-4-28	cr	980249	6/16/98	7/3/98
245-4-29	cr	030307	11/25/2003	12/16/2003
245-4.5-2	am	85-1396	12/20/85	1/1/86
245-4.5-2-a	am	921114	11/20/92	12/11/92
245-4.5-2-a	am	991763	5/14/2002	10/1/2002
245-4.5-4	am	031602	6/15/2004	7/2/2004
245-4.6-1	am	980963	12/18/98	1/1/99
245-4.6-3	am	980963	12/18/98	1/1/99
245-4.6-4	am	85-1396	12/20/85	1/1/86
245-4.6-4-a	am	980963	12/18/98	1/1/99
245-5-1	am	85-1396	12/20/85	1/1/86
245-5-2	am	85-1396	12/20/85	1/1/86
245-5-3	am	85-1396	12/20/85	1/1/86
245-5-3-c	cr	990819	5/19/2000	6/8/2000
245-5-4	am	85-1396	12/20/85	1/1/86
245-5-4-a	am	980963	12/18/98	1/1/99
245-6-7	am	86-676	7/29/86	8/16/86
245-6-7	rc	991763	5/14/2002	10/1/2002
245-6-7	rc	021287	5/13/2003	5/30/2003
245-6.5	cr	86-676	7/29/86	8/16/86
245-6.5-7 and 8	m	871339	10/27/87	11/13/87
245-6.5-7	cr	871339	10/27/87	11/13/87
245-6.5-7	rc	991763	5/14/2002	10/1/2002
245-6.5-7	rc	021287	5/13/2003	5/30/2003
245-7	am	85-1396	12/20/85	1/1/86
245-7-7	rc	991763	5/14/2002	10/1/2002
245-7-7	rc	021287	5/13/2003	5/30/2003
245-7-8	am	030307	11/25/2003	12/16/2003
245-7-9	cr	030307	11/25/2003	12/16/2003

**Encroachments, Projects And
Special Privileges 245- (HISTORY)**

245-8	am	85-1396	12/20/85	1/1/86
245-8-7	am	991763	5/14/2002	10/1/2002
245-9	am	85-1396	12/20/85	1/1/86
245-9-7	am	991763	5/14/2002	10/1/2002
245-10	am	85-1396	12/20/85	1/1/86
245-10-7	am	991763	5/14/2002	10/1/2002
245-11	am	85-1396	12/20/85	1/1/86
245-11-1	am	980963	12/18/98	1/1/99
245-11-2	am	881465	11/11/88	12/9/88
245-11-2	am	980249	6/16/98	7/3/98
245-12	am	85-1396	12/20/85	1/1/86
245-12-1	am	001458	2/27/2001	3/16/2001
245-12-2	am	881930	3/7/89	3/25/89
245-12-2	am	980963	12/18/98	1/1/99
245-12-3-b	am	86-342	7/29/86	8/16/86
245-12-3-c	am	980963	12/18/98	1/1/99
245-12-3-e	am	001458	2/27/2001	3/16/2001
245-12-3-f	am	980963	12/18/98	1/1/99
245-12-4	rc	86-1461	4/7/87	4/24/87
245-12-4	am	980963	12/18/98	1/1/99
245-13	am	85-1396	12/20/85	1/1/86
245-13-2	am	001458	2/27/2001	3/16/2001
245-14	am	85-1396	12/20/85	1/1/86
245-14-1-a	am	980963	12/18/98	1/1/99
245-14-2	am	001458	2/27/2001	3/16/2001
245-14-3	am	980963	12/18/98	1/1/99
245-14-4	am	871340	10/27/87	1/1/88
245-14-4	am	980963	12/18/98	1/1/99

**245- Encroachment, Projections And
Special Privileges**

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